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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

AXA, a Société Anonyme organized under Laws of France;  
AXA INVESTMENT MANAGERS, INC., a Delaware  
Corporation; AXA EQUITABLE LIFE INSURANCE  
COMPANY, a New York Stock Life Insurance Corporation;  
AXA ADVISORS, L.L.C., a Delaware Limited Liability  
Company; AXA NETWORK, L.L.C., a Delaware Limited  
Liability Company; AXA FINANCIAL INC., a Delaware  
Corporation; and AXA PRIVATE EQUITY US, LLC, a  
Delaware Limited Liability Company,

Plaintiffs,

v.

AXIA INVESTMENT MANAGEMENT, INC. an Oklahoma  
corporation; BOK FINANCIAL CORPORATION, an  
Oklahoma Corporation; AMERICAN PERFORMANCE  
FUNDS, a Massachusetts Business Trust; and BANK OF  
OKLAHOMA, a National Association, Chartered by the U.S.  
Government,

Defendants.

Civil Action No. 07-8293 (AXA)

**STIPULATION OF  
DISMISSAL WITHOUT  
PREJUDICE**

WHEREAS, this Court stayed the above-captioned action on November 9, 2007 pending the resolution of motions then pending in a related case before the United States District Court for the Northern District of Oklahoma in Case No. 07-cv-420 (the "Oklahoma Action");

WHEREAS, the Oklahoma Action was a declaratory judgment action involving a dispute between some of the plaintiffs in this action (plaintiffs in this action, some of whom are declaratory judgment defendants in the Oklahoma Action, collectively referred to herein as the "AXA Parties") and some of the defendants in this action (defendants in this action, some of whom are declaratory judgment plaintiffs in the Oklahoma Action, collectively referred to herein as the "AXIA/BOK Parties");

WHEREAS, both this action and the Oklahoma Action involve a dispute concerning the AXIA/BOK Parties' use of the mark "AXIA";

WHEREAS, the Oklahoma Action was subsequently administratively closed until May 20, 2008 to allow the Parties time to complete certain terms for settlement;

WHEREAS, these terms for settlement required the AXIA/BOK Parties: (i) to select a new mark for use instead of the mark which is the subject of the this action and the Oklahoma Action, and (ii) to submit the new mark to the AXA Parties for approval, after which both actions would be dismissed without prejudice; and

WHEREAS, the submission and approval of the new mark have been completed.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for all parties to this action that, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), this action is dismissed without prejudice and without award of costs or attorneys' fees to any party.

Dated: New York, New York  
March 7, 2008

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*The Clerk of the Court shall mark this action closed and all pending motions deemed as moot.*

*March 12, 2008*

Loretta A. Presley  
FILED